REMARKS

I.   Current Status of the Application

Claims 1 – 6 are pending in the present application. Claims 1 – 4 are independent and are currently amended. New claims 5 and 6 have been added.   Support for the amendments to claims 1 – 4 may be found throughout the specification but at least in paragraphs [0015] and [0047] – [0053] of the application as published. Support for new claims 5 and 6 may be found in at least paragraph [0023] of the application as published. In addition, amendments to the title, specification, and abstract are requested. No new matter has been added.

Claim 4 stands rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

Further, claims 1 – 4 stand rejected under § 112, second paragraph, as allegedly being indefinite.

In addition, claims 1 – 4 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,807,228 ("Dahbura") in view of U.S. Patent No. 5,727,210 ("Dwork").

The Office action also raises several alleged issues with the title, abstract, and specification. Specifically, the Office action objects to the title, abstract, and specification.

The Applicant respectfully requests reconsideration of these rejections in view of the following remarks.

II.   Statement of Substance of Interview

In compliance with M.P.E.P. § 713.04, the Applicant provides this Statement of Substance of Interview concerning the telephone interview conducted on June 3, 2010, between Examiner To and Bryan Nese. The Applicant thanks the Examiner for the courtesies extended during this interview.

(A)   Exhibits.   No exhibit was shown. No demonstration was conducted.

(B)   Claim.   Claims 1 – 4 were discussed.

(C)   Prior art.   Dahbura, Dwork

(D)   Amendments. Those provided above.

(E)   Principal arguments of Applicant. Applicant's representative provided suggested amendments to overcome the §§ 101 and 112 rejections. Further, Applicant's representative pointed to various features of the present invention not found in the cited references. The Examiner made additional suggestions that she believed would overcome her rejection based on the Dahbura and Dwork references. Specifically, she noted that neither reference taught assigning a primary and in-charge-of-stoppage processor to each task prior to receiving an instruction to execute the task. The Examiner further indicated that she may conduct another prior art search in light of these amendments.

(F)   Other matters. N/A.

(G)   Results.   It was the Applicant's understanding that an agreement was reached. It is noted that the Interview Summary states that an agreement was not reached.

III.   Remarks Regarding the Objections to the Specification

The Office action raises several alleged issues with the specification. Specifically, the Office action objects to the title, the abstract, and the specification.

Regarding the title, the Office action asserts that the current title of the invention is not descriptive. The Office action suggests changing the title to "SYSTEM AND METHOD FOR EXECUTING SELECTED TASK BASED ON TASK MANAGEMENT TABLE HAVING AT LEAST ONE TASK AND TWO ASSOCIATED PROCESSORS." The Applicant has requested to amend the title as suggested by the Examiner.

Regarding the abstract, the Office action asserts that the abstract was not provided on a separate page, as required by 37 C.F.R. § 1.52(b)(4). The Applicant has included a new copy of the abstract on a separate page with this response.

Regarding the specification, the Office action notes an alleged typographical error in paragraph [0002] of the application as published. Specifically, the Office action asserts that the word "hitherto" should be removed from the first sentence of this paragraph. The Applicant has requested to amend the specification accordingly.

In light of these amendments, the Applicant submits that all outstanding objections to the specification have been addressed. Withdrawal of these objections is respectfully requested.

Although not specifically addressed by the Office action, the Applicant also requests an amendment to paragraphs [0024] and [0053] to correct minor typographical/grammatical errors.

IV.   Remarks Regarding the § 101 Rejection of Claim 4

The Office action first asserts that claim 4 is allegedly directed to non-statutory subject matter. Under § 101, computer-related "functional descriptive material" such as data structures and computer programs are non-statutory subject matter when not tied to any particular structure. However, "[w]hen functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory." M.P.E.P. § 2106.01; *see also In re Warmerdam*, 33 F.3d 1354, 1360-61 (Fed. Cir. 1994) (holding a specific data structure stored in computer memory to be statutory subject matter).

Claim 4 was previously directed to a "program for making an information processing device." The Applicant requests an amendment to the preamble of claim 4 to recite instead a "program recorded on a computer-storage medium." Support for this amendment may be found in at least paragraph [0015] of the application as published.

This amendment roots this claim in a structure and should therefore overcome the § 101 rejection. Accordingly, the Applicant respectfully requests withdrawal of the § 101 rejection of claim 4.

V.   Remarks Regarding the § 112, ¶ 2 Rejections of Claims 1 – 4

The Applicant submits that, in light of the amendments above (largely the result of the Telephonic Interview conducted June 3, 2010), claims 1 – 4 have overcome the § 112 rejections. Support for this amendment may be found in at least claims 1 – 4 as originally filed and in paragraphs [0047] – [0053] of the published application. The Applicant respectfully requests withdrawal of the § 112 rejections in light of these amendments.

VI.   Remarks Regarding the § 103 Rejection of Claims 1 – 4

The Applicant respectfully submits that claim 1 is patentable over the cited references at least because it recites, in part, "wherein each of the plurality of tasks is assigned its

corresponding main execution processor and in-charge-of-stoppage processor *prior to receiving an instruction to execute the task.*"

The Applicant respectfully submits that claim 2 is patentable over the cited references at least because it recites, in part, "a registering unit registering, *prior to receiving an instruction to execute the requested task,* an associated relationship between the requested task, the main execution processor, and the in-charge-of-stoppage processor."

The Applicant respectfully submits that claim 3 is patentable over the cited references at least because it recites, in part, "wherein each of the plurality of tasks is assigned its corresponding main execution processor and in-charge-of-stoppage processor *prior to receiving an instruction to execute the task.*"

The Applicant respectfully submits that claim 4 is patentable over the cited references at least because it recites, in part, "wherein each of the plurality of tasks is assigned its corresponding main execution processor and in-charge-of-stoppage processor *prior to receiving an instruction to execute the task.*"

Neither Dahbura nor Dwork nor the two in combination teach a task execution system, method, or program that checks whether a processor registered as the main execution processor for a selected task has stopped when a processor other than the processor registered as the main execution processor is trying to execute the selected task, as recited by each of claims 1 – 4. Further, none of the cited references teach assigning a main and in-charge-of-stoppage processor to each task prior to receiving an instruction to execute the task, as recited by claims 1 – 4. Nevertheless, the Office action asserts that the combination of Dahbura and Dwork renders claims 1 – 4 of the present application obvious.

Claim 1 of the present application recites a task execution system for ensuring that a task is executed even in the event of a processor failure. This claim includes a task management table that stores information specifying a main execution processor and secondary processor for each of a plurality of tasks. A system in accordance with claim 1 may also include a checking unit. This checking unit determines whether the processor trying to execute a selected task is the processor designated by the task management table as the main execution processor. If not (*i.e.* some processor other than that designated as the main execution processor for the selected task is trying to execute the selected task), the checking unit determines whether the processor

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registered as the main execution processor for the selected task is stopped (*e.g.*, due to a failure). If the processor registered as the main execution processor for the selected task is stopped, an executing unit executes the selected task. Claims 2 and 4 include similar checking units, while claim 3 comprises a checking step that performs a function similar to that of the checking unit described above.

Dahbura, on the other hand, discloses a method of determining the failure of a processor by executing the same task on multiple processors and comparing the results. Dahbura teaches assigning a primary processor to a task *after* receiving a task instruction, as shown in step 202 of FIG. 2 of Dahbura. This reference also fails to teach checking a processor for stoppage when a processor trying to execute a selected task is not the processor registered as the main execution processor for the selected task.

The Office action contends that Dwork teaches this feature. However, Dwork does not teach checking a stopping state of a main execution processor when the processor trying to execute the selected task is not the main execution processor. Instead, the Dwork system merely receives messages from other processors indicating which tasks they have completed. Based on this information, the Dwork system assigns any uncompleted tasks to other processors. In addition, this reference, like Dahbura also fails to teach pre-assigning primary and in-charge-of-stoppage processors to each task prior to receiving an instruction to execute the task.

The present invention is distinct from the combined Dahbura/Dwork system. The present invention provides systems, programs, and methods that perform a check to determine whether the processor trying to execute a selected task is the main execution processor for that selected task. And, if it isn't, the inventions recited by claims 1 – 4 determine whether the main execution processor has stopped. In contrast, the Dahbura system merely teaches determining whether a processor has failed by comparing the results of running the same task simultaneously on several processors. This system fails to check whether a single processor running the selected task is the registered main execution processor for that task. Similarly, the Dwork system does not inquire as to whether any given processor is the main execution processor. Instead, the Dwork system merely reassigns any unexecuted tasks to other processors. In addition, neither reference teaches assigning processors to a task prior to receiving an instruction to execute the task.

For at least these reasons, the Applicant respectfully submits that the cited references fail to render claims 1 – 4 of the present application obvious. Specifically, neither Dahbura nor Dwork (individually or in combination) teaches a task execution system, method, or program that assigns a main and an in-charge-of-stoppage processor to a specific task prior to execution of the task, as recited by claims 1 – 4 of the present application. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of claims 1 – 4.

VII.   Remarks Regarding New Claims 5 and 6

The Applicant also requests the addition of two new claims to the present application. Specifically, the Applicant wishes to claim a personal computer (claim 6) and a PDA (claim 5) each comprising the program of claim 4. Support for these new claims may be found in at least paragraph [0023] of the published application.

The Applicant respectfully submit that, because these new claims depend from claim 4, which is patentable for at least the above reasons, new claims 5 and 6 are also patentable.

CONCLUSION

In light of the above remarks, the Applicant respectfully submits that the present application is in condition for allowance. The Applicant earnestly solicits favorable reconsideration and issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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APPENDIX

(new abstract)